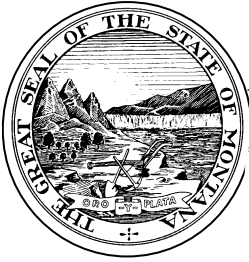


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October 24, 2011

To: Montana Public Defender Commission

From: Randi Hood, Chief Public Defender

RE: Final Report to the Commission

Legislative Interim Committees

Harry Freebourn and I attended the interim Finance Committee meeting on September 30, 2011. The agenda was generally to set out their work plan for the coming months. The committee will be monitoring this agency but has not fully defined the extent of the monitoring. After the meeting Harry and I met with Greg DeWitt, the legislative fiscal analyst assigned to our agency. He will be gathering and preparing information on OPD. We had a good discussion with him about our mission and shared some of the information that we have gathered about both caseloads and assurance that competent counsel is being provided. Mr. Dewitt has agreed to spend a day in one of our offices next month.

Support Staff Project

I devoted some of my time to the continuation of the support staff project. I met with the Kalispell office management team and we have agreed on some staff restructuring to occur concurrent with the office's move to new space. Currently the Kalispell office is in a very challenging office space, having outgrown their original space to the extent that we have rented two temporary offices off site for their investigators. The state's leasing agent has received bids from several landlords in Kalispell and a decision on the new space is expected by the end of the month.

Missoula will do some support staff restructuring with the departure of a staff person in November. The departure will allow them to fill the vacant position with a data entry person to handle the bulk of the JustWare entry. This should free up other support staff to provide more case support.

Social Worker Position

The Missoula office has had a social worker on premises as part of a grant. The grant expired in September but we kept the social worker on as a temporary employee while we await a decision as to whether the grant will be renewed. We will also be trying to quantify the work she has done to determine how hiring a social worker would impact the attorney caseloads.

Budgets

All of the regional deputies received their final FY 11 budgets and submitted their requested budgets for FY 12 in August. They also submitted wish lists which contained requests for anything that would require a new expenditure. Harry and I met individually with the management teams from each region to discuss their budgets. Each time we have gone through this process, the regional teams have increased their understanding of budgets and are better able to make judgments on their upcoming needs.

Once the individual budgets were submitted and after the meetings with the regional teams, Harry and I distilled the budgets into one agency budget. That gave us a figure of anticipated expenditures versus the appropriation. It does appear that we might be able to fund some of the wish list items.

J.R. Justice Loan Program

As you will remember, Congress funded the J.R. Justice Loan Program last year. Approximately two dozen public defenders and prosecutors receive approximately \$4,500 of offset against their student loans. The program has been funded again this year and the money coming to Montana has increased slightly. The grant is administered through the Montana Board of Crime Control. I serve on a subcommittee of the Board which recommended to the full Board that additional sums be prorated among last years' recipients as long as no more than two recipients had left either public defender or prosecution work.

Case Dumping

At the previous commission meeting, the issue of private attorneys taking retainers from clients then asking to be removed from the case because the retainer was gone was discussed. Typically when a private attorney is allowed to withdraw from a case, the case comes to OPD. Only four regions reported on any recent cases. There was one significant sexual intercourse without consent which was taken over by an OPD attorney in Region 10 (Glendive); three cases including a homicide out of Region 9 (Billings); a homicide in Region 11 (Miles City); and a juvenile sexual assault case out of Region 4 (Helena). In each instance, the private attorney received a retainer and then withdrew before trial (in Helena, it was a re-trial).

Transition

I have spent much time working on the transition to an Interim Chief. Harry and I spent several days with David Stenerson to get him up to speed on all of the areas to which I attend on a daily or weekly basis. He has been a quick study. I will make myself available to him, at his request, as he goes forward in the Interim Chief position.

Since this is my final report, I would like to say what a pleasure it has been to work with the Commission. Each of you provided insights and guidance in helping me do the job. I appreciate the support you gave me. I know that you will make a wise and considered decision in selecting a new Chief.